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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,688	09/17/2003	Koichi Nagoshi	P23994	3984
7055	7590	04/08/2008	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				MUHEBBULLAH, SAJEDA
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE			DELIVERY MODE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,688	NAGOSHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SAJEDA MUHEBBULLAH	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 December 2007.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 28-29, 36-48, and 55-63 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 28,29,36-48 and 55-63 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This communication is responsive to Amendment filed 12/26/2007.
2. Claims 28-29, 36-48, and 55-63 are pending in this application. Claims 1-13, 15-23, 25-27 and 30-35 have been cancelled. Claims 28, 36-42, and 47-48 have been amended, claims 49-54 have been cancelled and claims 55-63 have been added. This action is made Final.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 28-29, 36-48 and 55-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitada et al. (“Kitada”, US 2004/0024811) in view of Tanimoto (US 6,885,469).

As per claim 28, Kitada teaches a multifunction apparatus having at least a scanning function and not having a facsimile transmission function (para.0023, lines 15-16, *MFD may not have fax capability*), the multifunction apparatus connected with a server via a network, the server storing information regarding a menu (para.0051, lines 12-27; para.0057), the menu being displayable on the multifunction apparatus, the multifunction apparatus comprising:

- a scanner configured to scan a document (para.0022, lines 4-7);
- a panel configured to display a menu representing functions of the multifunction apparatus (Figs.3-6); and

a controller configured to communicate with the server to receive the information regarding the menu from the server, and to display a menu on the panel based on the information regarding the menu received from the server (para.0051, lines 12-27),

the controller being configured to send, to the server, based on the information regarding the menu, scanned image data together with predetermined information indicating another multifunction apparatus having a facsimile transmission function and being capable of transmitting the image data to a recipient, when a predetermined menu indicating a facsimile transmission function is displayed on the panel (para.0026; para.0047-0048), of the multifunction apparatus, the information regarding the menu including the predetermined menu indicating the facsimile transmission function, and when a facsimile transmission is selected on the menu (Fig.5; para.0047-0048; para.0026),

whereby the server transmits, to the another apparatus, the image data scanned by the multifunction apparatus, based on the predetermined information, the server being distinct from the multifunction apparatus and from the another apparatus (para.0026; Fig.1).

However, Kitada does not teach the another apparatus to be a multifunction apparatus and transmitting the image data to a receiving apparatus by facsimile transmission. Tanimoto teaches a multifunction apparatus which transmits data from a multifunction fax server to a receiving apparatus by fax (Tanimoto, Fig.1, fax server 1; col.5, lines 57-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Tanimoto's teaching with Kitada's apparatus in order to route data to alternate destinations and perform other functions.

As per claim 29, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the controller utilizes a scanning function to scan a document, when the facsimile transmission is selected on the menu (Kitada, para.0026; para.0047-0048).

As per claim 36, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus wherein the information regarding the menu is utilized for the multifunction apparatus and also for another multifunction apparatus (Kitada, Fig.1, MFDs 10-30; para.0033).

As per claim 37, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the information regarding the menu is utilized only for the multifunction apparatus (Kitada, para.0022, lines 7-8).

As per claim 38, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the information regarding the menu is utilized for at least one of a plurality of functions of the multifunction apparatus (Kitada, para.0027).

As per claim 39, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein at least one of a plurality of functions of the multifunction apparatus is an operation customized for a particular user (Kitada, para.0033; para.0039).

As per claim 40, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the information regarding the menu contains a menu item name, the menu item name indicating a job that the multifunction apparatus performs (Kitada, Fig.4; para.0044).

As per claim 41, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the information regarding the menu contains a menu item name, a job-ID and a job parameter (Kitada, para.0039; para.0044).

As per claim 42, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the multifunction apparatus additionally has at least one of a scanning, printing, and a facsimile transmission function and the job ID includes at least one of copying, printing, scanning and fax transmission (Kitada, para.0039; para.0044).

As per claim 43, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the job parameter includes at least one of an image type and paper size for copying (Kitada, para.0023; para.0039, lines 10-11).

As per claim 44, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the job parameter includes at least one of an image type, paper size and resolution for printing (Kitada, para.0023; para.0039, lines 10-11).

As per claim 45, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the job parameter includes at least one of an image type, paper size, resolution and file format for scanning (Kitada, para.0039, lines 10-11).

As per claim 46, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus, wherein the job parameter includes at least one of an image type, paper size, resolution and file format for facsimile transmission (Kitada, para.0023; para.0039, lines 10-11).

As per claim 47, the apparatus of Kitada and Tanimoto teaches the server, wherein the information regarding the menu contains information regarding a maximum number of characters that can be displayed on the display of the multifunction apparatus (Kitada, para.0033, lines 5-9).

As per claim 48, the apparatus of Kitada and Tanimoto teaches the server, wherein the information regarding the menu contains information regarding capabilities of the multifunction apparatus (Kitada, para.0033, lines 5-9).

Claim 55 is similar in scope to claim 28, and is therefore rejected under similar rationale.

Claims 56-59 are similar in scope to claims 36-39 respectively, and are therefore rejected under similar rationale.

As per claim 60, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus according to claim 28, wherein the another multifunction apparatus transmits, to the multifunction apparatus, a job execution result, when the another multifunction apparatus completes the facsimile transmission (Tanimoto, col.4, lines 48-61).

As per claim 61, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus according to claim 28, wherein when the controller sends, to the server, the scanned image data, the controller sends to the server, a job parameter, and the server transmits to the another multifunction apparatus, the image data scanned by the multifunction apparatus with the job parameter (Kitada, para.0044).

Claim 62 is similar in scope to claim 46, and is therefore rejected under similar rationale.

As per claim 63, the apparatus of Kitada and Tanimoto teaches the multifunction apparatus according to claim 61, wherein the another multifunction apparatus transmits, to the receiving apparatus, the image data scanned by the multifunction apparatus, based on the job parameter (Kitada, para.0044).

***Response to Arguments***

5. Applicant's arguments with respect to Amendment 12/26/2007 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Communications***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SY D. LUU/  
Primary Examiner, Art Unit 2174

**Sajeda Muhebbullah**

*Patent Examiner*

*Art Unit 2174*

*/S. M./*